

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DOUGLAS JOHN MARTIN TOBIN,

Plaintiff,

V.

STATE OF WASHINGTON AND PIERCE
COUNTY,

Defendants

No. 08-5591RJB/JRC

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creature, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation (Dkt. 23);
- (2) Pierce County is **DISMISSED WITHOUT PREJUDICE** from this action for the reasons set forth in the Report and Recommendation.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for the defendant, and to the Hon. J. Richard Creature.

DATED this 9th day of June, 2009.

Robert J. Bryan

ROBERT J. BRYAN
United States District Judge